

MARK ADAMS

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July 30, 2014

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20 Middlesex Avenue
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210 Union Wharf
Boston, MA 02109

Re: RSS Realty, LLC v. Fathall Mashali, et al.
Middlesex Superior Court C.A. 14-01076

Dear Attorneys:

In accordance with Superior Court Rule 9A, Defendant, Fathalla Mashali, hereby serves on you copies of the following papers:

- Defendant's Motion for Limited Relief from Preliminary Injunction
- Certificate of Service.

If you oppose this Motion, you are required to serve one original and one copy of your opposition papers on undersigned counsel within ten (10) days after service of these papers. Upon receipt of any opposition, or expiration of the time within which opposition may be received, Defendant, Mashali, will file all papers with the clerk of the Superior Court as required by Rule 9A.

If you assent to the Motion, I would appreciate your advising me of this fact as soon as possible, but no later than the expiration of the opposition period, so that I may amend Plaintiff's papers to reflect any such assent.

Respectfully,


Mark Adams, Esq.

Enclosures

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

MIDDLESEX SUPERIOR COURT
Civil Action No. MICV2014-01076

RSS REALTY, LLC, d/b/a SOUTH SHORE CARE
Plaintiff,

v.

NEW ENGLAND PAIN ASSOCIATES, P.C.,
FATHALLA M. MASHALI, M.D., BRIARWOOD
REAL ESTATE HOLDINGS, LLC
Defendants

and

BRIARWOOD REAL ESTATE HOLDINGS, LLC,
NOHA ELKADRY MASHALI, TRUSTEE OF
THE DOVER PINES REVOCABLE TRUST,
Reach & Apply Defendants.

MOTION FOR LIMITED RELIEF FROM THE PRELIMINARY INJUNCTION

The Defendant, Fathalla Mashali, through undersigned Counsel, moves this honorable court for relief from the Preliminary Injunction dated April 3, 2014 (Leibensperger, J.). The Defendant specifically requests this Court grant relief in respect to his retirement accounts (TD Ameritrade IRA 920-920501, Mutual of America 81-109124-0, and Charles Schwab 1072-0280) and two Dover properties (120 Centre St. and 160 Dedham St.) which have been pledged to the Federal Government as part of a Bond Package in the matter of United States of America v. Fathalla Mashali, docketed, 1:14-cr-10067-RWZ.

As ground therefore, the defendant states:

- (1) Plaintiff, RSS Realty, currently has attachments on the real property, granted by this Court. These properties have since been foreclosed. Nevertheless, the pledge of these properties by Dr. Mashali to the Federal Court did not affect the order or the value of plaintiff's attachments. As a result, plaintiff suffered no harm as a result of the pledge.

(2) Plaintiff, RSS Realty, upon information and belief, will be unable to reach Dr. Mashali's retirement accounts. M.G.L. 235 § 34A states,

The right or interest of any person in an annuity, pension, profit sharing or other retirement plan shall not be attached or taken on execution or other process to satisfy any debt or liability of such person...

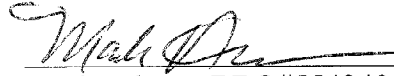
Dr. Mashali's three retirement accounts, totaling approximately \$95,000., having been created long before instant suit, are inappropriate assets for attachment. As a result, Dr. Mashali's pledge of these accounts to the Federal Government to secure his release pending trial has resulted in no harm to the plaintiff.

(3) The Defendant had no personal knowledge of the nature of the Preliminary Injunction when he instructed his Criminal Attorneys to pledge these properties and accounts. The Order by this Court was never served upon the Defendant, nor did he have personal knowledge of its contents. The language of "pledging" and "mortgaging" was not previously argued in this Court. The Proposed Order was supplied to the Clerk by RSS the day after the hearing on this matter (see exhibit 1) and the Defendant never received notice of this Order.

WHEREFORE, Defendant moves this Honorable Court amend its present order by excepting therefrom the pledging of properties and assets to the Federal Government; and specifically permitting Dr. Mashali to pledge and/or mortgage such properties and assets that the United States District Court for the District of Massachusetts may require, including those properties and accounts previously pledged.

Respectfully Submitted,

Fathalla Mashali and
Briarwood Real Estate Holdings, LLC
By their attorney,

A handwritten signature in black ink, appearing to read 'Mark Adams', with a long horizontal flourish extending to the right.

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PROPOSED ORDER FOR LIMITED RELIEF FROM INJUNCTION

The Preliminary Injunction granted by this Court on April 3, 2014, shall not enjoin the Defendant from pledging and/or mortgaging two of his Dover properties (120 Centre St. and 160 Dedham St., Dover, MA) and his three retirement accounts (TD Ameritrade IRA 920-920501, Mutual of America 81-109124-0, and Charles Schwab 1072-0280), as part of his bail package to the United States District Court, District of Massachusetts.

So ordered,


Judge Leibensperger

Certificate of Service

I, Mark Adams, Certify that this day, I served the foregoing, Motion for Limited Relief from Preliminary Injunction, upon the parties, by mailing a true and accurate copy thereof, first class postage pre-paid, to their respective counsel of record:

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Mark Adams

Dated: July 30, 2014